

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

909 WRIT PETITION NO.3597 OF 2019

EKNATH NAGNATH WAGHMARE
VERSUS
THE STATE ELECTION COMMISSIONER THROUGH
COLLECTOR OSMANABAD AND ANOTHER

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Advocate for Petitioner : Mr. Naiknavare Ramesh V.
AGP for Respondents : Mr. K.S. Patil
Advocate for Respondent Nos.1 & 2 : Mr. A.B. Kadethankar

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**CORAM : P.R. BORA, J.
DATED : 14th March, 2019.**

PER COURT:-

. The petitioner has filed the present petition challenging the order passed by the Returning Officer whereby, he has rejected the nomination of the present petitioner submitted by him for the post of the Member of Village Panchayat Horti, Taluka Tuljapur, District Osmanabad, for the constituency reserved for the candidates belonging to the scheduled caste.

2. The nomination of the petitioner has been rejected vide order dated 11.3.2019, on the ground that the petitioner has not submitted the original caste certificate. The learned counsel for the petitioner invited my attention to page 18 of the paper book, which is the copy of the list of documents submitted by the present petitioner along with

his nomination. The said list bears the signature of the Returning Officer acknowledging the receipt of the said documents. The list shows that the petitioner had submitted along with his nomination his self-attested caste certificate. It is, therefore, the contention of the present petitioner that his nomination has been rejected on patently wrong reasons.

3. Shri Kadethankar, the learned counsel appearing for the respondents do not dispute that along with nomination of the present petitioner, he has submitted copy of his self-attested caste certificate as per clause-9. It is also not in dispute that the petitioner has also furnished on record, the receipt from the Caste Scrutiny Committee evidencing that the application forwarded by the present petitioner for the verification of his caste has been received to the Caste Scrutiny Committee. From the facts as above, it is quite clear that the nomination form of the present petitioner has been rejected by the Returning Officer for patently wrong reasons.

4. On making a query with the learned counsel appearing for the respondents, it is informed that though the final list of validly nominated candidates has been

published and the symbols also have been allotted, ballot papers have not yet been printed. In view of the fact that the nomination of the present petitioner has been rejected for patently wrong reasons, the order passed by the Returning Officer deserves to be set aside. In the result, the following order is passed:

ORDER

- i) The order dated 11.03.2019 passed by the Returning Officer, impugned in the present petition, is quashed and set aside.
- ii) The Returning Officer is directed to accept the nomination of the present petitioner and to incorporate his name in the list of contesting candidates by allotting him the symbol.
- iii) The petition stands allowed in the aforesaid terms.

(P.R. BORA, J.)